

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SDI TECHNOLOGIES, INC.
Petitioner

v.

BOSE CORPORATION
Patent Owner

Case IPR2014-00346
Patent 8,364,295

Mailed: January 29, 2014

Before Althea Wilburn, *Trial Paralegal*.

NOTICE OF FILING DATE ACCORDED TO PETITION
AND
TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE

The petition for *inter partes* review in the above proceeding has been
accorded the filing date of January 13, 2014.

Administrative Patent Judge Karl Easthom has been designated to manage the proceeding. 37 C.F.R. § 42.5.

A review of the petition identified the following defect(s):

- **The footnotes need to be double-spaced pursuant to 37 C.F.R. § 42.6(a)(iii).**
- **Improper usages of claim charts: The rules require that a petition identify how the challenged claims are to be construed and how the claims are unpatentable under the statutory grounds raised. This information is to be provided pursuant to the page limit requirements, which require double spacing. Additionally, the rules require that the petition specify where each element of a challenged claim is to be found in the prior art. The element by element showing may be provided in a claim chart, which is permitted to be written with single spacing. See 37 C.F.R. §42.6(a)(2)(iii). Placing one's argument and claim construction in a claim chart to circumvent the double spacing requirement is not permitted.**
- **An example of arguments included in the claim charts –**

Page 17 – “It would have been obvious...”

Petitioner must correct the defect(s) within **FIVE BUSINESS DAYS** from this notice. Failure to correct the defect(s) may result in an order to show cause as to why the Board should institute the trial. No substantive changes (e.g., new grounds) may be made to the petition.

Patent Owner may file a preliminary response to the petition no later than three months from the date of this notice. The preliminary response is limited to setting forth the reasons why the requested review should not be instituted. Patent Owner may also file an election to waive the preliminary response to expedite the proceeding. For more information, please consult

the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), which is available on the Board Web site at <http://www.uspto.gov/PTAB>.

Patent Owner is advised of the requirement to submit mandatory notice information under 37 C.F.R. § 42.8(a)(2) within 21 days of service of the petition.

The parties are encouraged to use the heading on the first page of this Notice for all future filings in the proceeding.

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

The parties are reminded that unless otherwise permitted by 37 C.F.R. § 42.6(b)(2), all filings in this proceeding must be made electronically in the Patent Review Processing System (PRPS), accessible from the Board Web site at <http://www.uspto.gov/PTAB>.

If there are any questions pertaining to this notice, please contact Althea Wilburn at 571-272-6230 or the Patent Trial and Appeal Board at 571-272-7822.

Case IPR2014-00346

Patent 8,364,295

PETITIONER:

Matthew Lowrie

mlowrie-PTAB@foley.com

Aaron Moore

amoore-PTAB@foley.com

PATENT OWNER:

Dorothy P Whelan

Fish & Richardson, P.C.

3200 RBC Plaza

60 South Sixth Street

Minneapolis, MN 55402

Mark J. Hebert

Fish & Richardson, P.C.

One Marina Park Drive

Boston, MA 02210-1878

Noah C. Graubart

Fish & Richardson, P.C.

1180 Peachtree Street NE

21st Floor

Atlanta, GA 30309

Fish & Richardson PC

P.O. Box 1022

Minneapolis, MN 55440-1022